

# INTERNATIONAL SEARCH REPORT

Int'l Application No  
PCT/EP2004/006567

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61K51/04

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, EMBASE, BIOSIS, PAJ, WPI Data, CANCERLIT, DISSERTATION ABS, CHEMABS Data, BEILSTEIN Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>DEAN D C ET AL: "DEVELOPMENT OF A HIGH SPECIFIC ACTIVITY SULFUR-35-LABELED SULFONAMIDE RADIOLIGAND THAT ALLOWED THE IDENTIFICATION OF A NEW GROWTH HORMONE SECRETAGOGUE RECEPTOR"            JOURNAL OF MEDICINAL CHEMISTRY, AMERICAN CHEMICAL SOCIETY, WASHINGTON, US,            vol. 39, no. 9, 1996, pages 1767-1770,            XP001018701            ISSN: 0022-2623            page 1768</p> <p>-----</p> <p style="text-align: center;">-/-</p>	1-10

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

14 October 2004

Date of mailing of the international search report

11/11/2004

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JONES A N ET AL: "Synthesis, stability, and radiolytic decomposition of carbon-14 labeled MK0677" JOURNAL OF LABELLED COMPOUNDS AND RADIOPHARMACEUTICALS, vol. 38, no. 6, 1996, pages 561-565, XP008037025 GB ISSN: 0362-4803 page 562; figure page 564, paragraph SYNTHESIS - page 565 ----- POMES A ET AL: "SOLUBILIZATION AND CHARACTERIZATION OF A GROWTH HORMONE SECRETAGOGUE RECEPTOR FROM PORCINE ANTERIOR PITUITARY MEMBRANES" BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS, ACADEMIC PRESS INC. ORLANDO, FL, US, vol. 225, 1996, pages 939-945, XP001019261 ISSN: 0006-291X abstract figures 1,3 ----- WO 97/22367 A (PLOEG LEONARDUS V D ; SCHAEFFER JAMES M (US); DEAN DENNIS C (US); SMIT) 26 June 1997 (1997-06-26) cited in the application the whole document ----- PONG S-S ET AL: "IDENTIFICATION OF A NEW G-PROTEIN-LINKED RECEPTOR FOR GROWTH HORMONE SECRETAGOGUES" MOLECULAR ENDOCRINOLOGY, BALTIMORE, MD, US, vol. 10, no. 1, 1996, pages 57-61, XP001018700 ISSN: 0888-8809 abstract page 58, left-hand column page 59, right-hand column; figure 3; table 1 -----	1-10 1-10 1-10 1-10
		-/-

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>NAGAMINE J ET AL: "Pharmacological profile of a new orally active growth hormone secretagogue, SM-130686"  <i>JOURNAL OF ENDOCRINOLOGY</i>,  vol. 171, no. 3, December 2001 (2001-12),  pages 481-489, XP002300844  ISSN: 0022-0795  abstract  page 482, right-hand column, paragraph  GHS-BINDING..  page 483, right-hand column, last  paragraph - page 484, left-hand column,  last line ; figure 3</p> <p>-----</p>	1-10
X	<p>MATUSZEWSKI B K ET AL: "Determination of unlabeled and <math>^{14}\text{C}</math>-radiolabeled drug candidates in biological fluids using LC-MS-MS - Issues and challenges"  <i>CHROMATOGRAPHIA</i> 2000 GERMANY,  vol. 52, no. SUPPL., 2000, pages S39-S45,  XP008037024  ISSN: 0009-5893  the whole document</p> <p>-----</p>	1-10
X	<p>PATCHETT A A ET AL: "DESIGN AND BIOLOGICAL ACTIVITIES OF L-163,191 (MK-0677): A POTENT, ORALLY ACTIVE GROWTH HORMONE SECRETAGogue"  <i>PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF USA, NATIONAL ACADEMY OF SCIENCE</i>. WASHINGTON, US,  vol. 92, no. 15, 1 July 1995 (1995-07-01),  pages 7001-7005, XP000651085  ISSN: 0027-8424  cited in the application  the whole document</p> <p>-----</p>	1-10

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ational application No.  
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### Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:  
Although claims 8-10 are directed to a diagnostic method practised on the human/animal body, a search has been carried out, based on the alleged effects of the compound/composition.
2.  Claims Nos.: 11-13  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

see additional sheet

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 8-10 are directed to a diagnostic method practised on the human/animal body, a search has been carried out, based on the alleged effects of the compound/composition.

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Continuation of Box II.2

Claims Nos.: 11-13

Claims 11-13 encompass a genus of compounds defined only by their function wherein the relationship between the structural features of the members of the genus and said function have not been defined. In the absence of such a relationship either disclosed in the as-filed application or which would have been recognized based upon information readily available to one skilled in the art, the skilled artisan would not know how to make and use compounds that lack structural definition. The fact that one could have assayed a compound of interest using the claimed assays does not overcome this defect since one would have no knowledge beforehand as to whether or not any given compound (other than those that might be particularly disclosed in an application) would fall within the scope of what is claimed. It would require undue experimentation (be an undue burden) to randomly screen undefined compounds for the claimed activity.

Moreover, claim 13 does not contain any technical feature. Therefore, no search has been performed for claims 11-13.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

Int'l Application No  
PCT/EP2004/006567

Patent document cited in search report	Publication date		Patent family member(s)		Publication date
WO 9722367	A 26-06-1997	WO US	9722367 A1 5830433 A		26-06-1997 03-11-1998